

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANDON THOMAS DUPREE,

Defendant.

CR 14-83-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on August 29, 2016. Defendant admitted that he had violated Standard Condition 7 of his supervised release by testing positive for Suboxone, and that he had violated Special Condition 7 of his supervised release by possessing drug paraphernalia while residing in the Great Falls Transition Center. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and sentence the Defendant to two months in custody, followed by 32 months of supervised release.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas*

Corp. Commodore Bus. Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

The Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Condition 7 and Special Condition 7. Defendant could be incarcerated for up to 24 months, followed by 34 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of two months in custody, followed by 32 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 50) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 13th day of September, 2016.



Brian Morris
United States District Court Judge